



Minnesota Board of Cosmetologist Examiners

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Minnesota Board of Cosmetologist Examiners

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Mobile Salons and Cosmetology, *Minnesota Rules*, Chapter 2105; Revisor's ID Number 0-4343

Introduction. The Board of Cosmetologist Examiners intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until Thursday, December 1, 2016.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Rebecca Gaspard at Rebecca.Gaspard@state.mn.us phone 651-201-2751, or BCE, 1000 University Avenue W, Suite 100, St. Paul, Minnesota 55104, or faxed to 612-617-2601. TTY users may call 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about mobile salons and also include minor housekeeping changes to Chapter 2105. The proposed mobile salon rules govern the licensure, operation and inspection of mobile salons, and include

- Facility requirements
- Safety and infection control requirements
- A process for salon to notify board of location and times of operation
- Requirements for supplying and disposing of water and waste products
- Defining the scope of personal services to be provided in mobile salons
- Prohibiting mobile salons from violating reasonable municipal restrictions on time and place of operation
- Penalties, up to and including revocation of a license for repeated violations of municipal laws

The housekeeping changes include renumbering of definitions and other minor updates. *Minnesota Rules*, 2105.0200, Subp. 1.

Statutory Authority.

The statutory authority to adopt the rules is found in *Minnesota Statutes*, section 155A.26, which states: The Board may develop and adopt rules according to chapter 14 that the board considers necessary to carry out sections 155A.21 to 155A.36; and *Minnesota Session Laws 2015, Chapter 77, Article 2, Section 81* which requires the Board to adopt rules for mobile salons. A copy of the proposed rules is published in the *State Register* and can be found on the Board's website here. A free copy of the rules is also available at the Board's offices, or upon request from the contact person listed above.

Comments. You have until 4:30 p.m. on Thursday, December 1, 2016 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Board encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Thursday, December 1, 2016. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Board may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available on the Board's website at www.bceboard@state.mn.us or from the agency contact person. You may obtain a copy by contacting the agency contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the Board submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Signed by Executive Director Gina Fast on October 17, 2016